

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JAYLEN TODJO,
Plaintiff,

v.

**CHARTER LOGISTICS USA, INC.,
MANHAL HAKIM,**

Defendants.

§
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§

**CIVIL ACTION NO. 3:23-cv-1941
JURY TRIAL DEMANDED**

DEFENDANT MANHAL HAKIM'S INDEX OF MATTERS BEING FILED

Defendant MANHAL HAKIM ("Defendant"), files this Index of all documents filed in state court action:

- (1) Plaintiff's Original Petition filed July 12, 2023, *See Exhibit A-1*;
- (2) Civil Process Request to Manhal Hakim and Charter Logistics USA, Inc. dated July 12, 2023, *See Exhibit A-2*;
- (3) Service Return for Manhal Hakim filed August 11, 2023, *See Exhibit A-3*;
- (4) Service Return for Charter Logistics USA, Inc. filed August 22, 2023, *See Exhibit A-4*;
- (5) Defendant Manhl Hakim's Original Answer filed August 28, 2023, *See Exhibit A-5*;
- (6) Plaintiff Jaylen Todjo Initial Disclosures filed August 29, 2023, *See Exhibit A-6*; and
- (7) Docket Sheet as of August 30, 2023, *See Exhibit A-7*.

Respectfully Submitted,

MAYER LLP

750 North Saint Paul Street, Suite 700
Dallas, Texas 75201
214.379.6900 / Fax: 214.389.6939

By: /s/ Zach Mayer
Zach Mayer
State Bar No. 24013118
zmayer@mayerllp.com
Van E. "Trey" Parham III
State Bar No. 24103008
tparham@mayerllp.com
Nader Arbabi
State Bar No. 24109594
narbabi@mayerllp.com

**ATTORNEYS FOR DEFENDANT
MANHAL HAKIM**

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of August 2023, a true and correct copy of the foregoing has been forward to all counsel of record, as follows.

Via E-Service

TK C. Stewart
600 N. Pearl Street, Suite 2205
Dallas, Texas 75201
e-service@daspitlaw.com

Attorneys for Plaintiff

/s/ Zach Mayer
Zach Mayer

EXHIBIT A-1

CAUSE NO. 111617

JAYLEN TODJO,	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	ELLIS COUNTY, TEXAS
CHARTER LOGISTICS USA, INC.,	§	
MANHAL HAKIM,	§	
	§	
<i>Defendants.</i>	§	<u>40TH</u> JUDICIAL DISTRICT

PLAINTIFF’S ORIGINAL PETITION

Plaintiff, Jaylen Todjo, (hereinafter, “Plaintiff”), complains of Defendants, Charter Logistics USA, Inc. and Manhal Hakim, (hereinafter, “Defendants”), and would respectfully show the Court that:

Discovery Control Plan

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

Jurisdiction and Venue

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and venue is proper because all or a substantial part of the events or omissions giving rise to the claim occurred in Burleson County, Texas.

Statement Regarding Monetary Relief Sought

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$250,000.00, but no more than \$1,000,000.00, excluding interest, statutory or punitive damages and penalties, and attorney’s fees and costs to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of relief, if necessary.

Parties

4. Plaintiff, Tiffany Medina, is an individual residing in Collin County, Texas.

5. Defendant, Charter Logistics USA, Inc. (hereinafter, “Defendant Charter Logistics USA”), is a domestic entity doing business in Ellis County, Texas. Defendant Charter Logistics USA may be served with process through their registered agent Lun Chang Huai at 2211 S. Hacienda Blvd., Suite 107, Hacienda Heights, CA 91745, at their mailing address 15929 Gard Ave Apt. 2, Norwalk, CA 90650, or wherever found.

6. Defendant Manhal Hakim (“hereinafter, “Defendant Hakim”) is an individual residing in Macomb County, Michigan. Defendant may be served at his residence at 22030 Rivanna Drive, Macomb, Michigan, 48044, or wherever he may be found.

Facts

7. This lawsuit is necessary as a result of personal injuries Plaintiff suffered on or about April 21, 2023. At that time, Plaintiff was traveling northbound by car on IH 35 at approximately the 382 mile marker when one of the inside tires from the 18 wheeler driven by Defendant Hakim, and owned and operated by Defendant Charter Logistics USA, blew out causing the tire to come apart, fly off, and hit the front bumper of Plaintiff’s car. Defendant Hakim failed to operate the vehicle safely, causing Plaintiff’s vehicle to be deemed inoperable as a result of the damage by reporting officers at the scene. As a result of Defendants’ negligence and/or negligence *per se*, Plaintiff suffered extensive and permanent injuries.

Negligence – Manhal Hakim

8. Defendant Hakim’s aforementioned conduct constitutes negligence and/or negligence *per se* for one or more of the following reasons:

- a. Failed to control the vehicle's speed;
- b. Failed to timely apply brakes;
- c. Failed to yield right-of-way;
- d. Failed to operate the vehicle safely;
- e. Failed to turn the vehicle in an effort to avoid a collision;
- f. Failed to maintain a proper lookout in order to avoid a collision;
- g. Failed to maintain a safe distance;
- h. Violated applicable, local, state, and federal laws and/or regulations; and
- i. Other acts so deemed negligent.

Negligence – Charter Logistics USA, Inc.

9. Defendant Hakim was driving a tractor-trailer owned and operated by Defendant Charter Logistics USA. At all times material hereto, Defendant Hakim was operating the tractor-trailer while in the course and scope of his employment with Defendant Charter Logistics USA. As such, Defendant Charter Logistics USA is vicariously liable for Defendant Hakim's negligent acts and omissions under the doctrine of *respondeat superior*. Plaintiff further pleads that Defendant Charter Logistics USA was negligent and/or negligent *per se* for one or more of the following reasons:

- a. Negligently entrusted a motor vehicle to an incompetent driver;
- b. Negligently hired and/or retained employees;
- c. Negligently trained and/or supervised employees;
- d. Failed to maintain the vehicle in a reasonably safe condition;
- e. Violated applicable, local, state and federal laws and/or regulations;
- f. Other acts so deemed negligent.

10. As a result of these acts or omissions, Plaintiff claims all damages recognizable by law.

Damages

11. By virtue of the actions and conduct of the Defendants set forth above, Plaintiff is seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;
- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement;
- e. Past lost wages and future loss of earning capacity; and
- f. Loss of use of vehicle

12. By reason of the above, Plaintiff is entitled to recover damages from the Defendants in an amount within the jurisdictional limits of this Court, as well as pre- and post-judgment interest.

Duty to Disclose

13. Pursuant to 194, Tex. R. Civ. P. exempted by Rule 194.2(d), Defendants must, without awaiting a discovery request, provide to Plaintiff the information or material described in Rule 194.2, Rule 194.3, and Rule 194.4.

Initial Disclosures

14. Pursuant to Rule 194, Tex. R. Civ. P., Defendants must, without awaiting a discovery request, provide information or materials described in Texas Rule of Civil Procedure 194.2 in Defendants' initial disclosures at or within 30 days after the filing of the first answer. Copies of documents and other tangible things must be served with Defendants' responses.

Rule 193.7 Notice

15. Plaintiff hereby gives actual notice to Defendants that any and all documents produced may be used against Defendants at any pre-trial proceeding and/or at trial of this matter without

the necessity of authenticating the documents.

Prayer

Plaintiff prays that these citations issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendants, both jointly and severally, in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which she may be justly entitled.

Respectfully Submitted,

/s/ TK C. Stewart

TK C. Stewart

Texas State Bar No. 24128841

600 N. Pearl Street, Suite 2205

Dallas, Texas 75201

Telephone: (713) 322-4878

Facsimile: (713) 587-9086

Email: e-service@daspitlaw.com

ATTORNEY FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Maria Esparza on behalf of John Daspit
 Bar No. 24048906
 mesparza@daspitlaw.com
 Envelope ID: 77457973
 Filing Code Description: Petition
 Filing Description: Petition
 Status as of 7/12/2023 3:59 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
TK Stewart		tkstewart@daspitlaw.com	7/12/2023 3:28:51 PM	SENT
Maria Esparza		mesparza@daspitlaw.com	7/12/2023 3:28:51 PM	SENT
April Patterson		apatterson@proactivelegal.com	7/12/2023 3:28:51 PM	SENT
Jaime Holder		jholder@proactivelegal.com	7/12/2023 3:28:51 PM	SENT
John Daspit		e-service@daspitlaw.com	7/12/2023 3:28:51 PM	SENT
Eservice Daspit		dlfe-service@daspitlaw.com	7/12/2023 3:28:51 PM	SENT
DLF Intake		intake@daspitlaw.com	7/12/2023 3:28:51 PM	SENT

EXHIBIT A-2

CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: 111617 CURRENT COURT: Ellis County District Court

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): PLAINTIFF'S ORIGINAL PETITION

FILE DATE OF MOTION: 07/12/2023
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Manhal Hakim

ADDRESS: 22030 Rivanna Dr. Macomb, Michigan 48044

AGENT, (if applicable):

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):

SERVICE BY (check one):

☐ ATTORNEY PICK-UP ☐ CONSTABLE

☒ CIVIL PROCESS SERVER - Authorized Person to Pick-up: Proactive Legal Solutions, box 30 Phone: 832-209-7760

☐ MAIL ☐ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication: ☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE:

☒ OTHER, explain daspit@proactivelegal.com, e-service@daspitlaw.com & jholder@proactivelegal.com (Emailed ONLY)

2. NAME: Charter Logistics USA Inc.

ADDRESS: 2211 S. Hacienda Blvd., Suite 107 Hacienda Heights, CA 91745

AGENT, (if applicable): Lun Chang Huai

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):

SERVICE BY (check one):

☐ ATTORNEY PICK-UP ☐ CONSTABLE

☒ CIVIL PROCESS SERVER - Authorized Person to Pick-up: Phone: 832-209-7760

☐ MAIL ☐ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication: ☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE:

☒ OTHER, explain daspit@proactivelegal.com, e-service@daspitlaw.com & jholder@proactivelegal.com (Emailed ONLY)

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: TK C. Stewart TEXAS BAR NO./ID NO. 24128841

MAILING ADDRESS: 440 Louisiana Street, Suite 1400, Houston, Texas 77002

PHONE NUMBER: 713 588-0383 FAX NUMBER: 713 587-9086
area code phone number area code fax number

EMAIL ADDRESS: daspit@proactivelegal.com, e-service@daspitlaw.com, jholder@proactivelegal.com, alira@proactivelegal.com

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

ORIGINAL PETITION

_____ AMENDED PETITION

_____ SUPPLEMENTAL PETITION

COUNTERCLAIM

_____ AMENDED COUNTERCLAIM

_____ SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

_____ AMENDED CROSS-ACTION

_____ SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

_____ AMENDED THIRD-PARTY PETITION

_____ SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

_____ AMENDED INTERVENTION

_____ SUPPLEMENTAL INTERVENTION

INTERPLEADER

_____ AMENDED INTERPLEADER

_____ SUPPLEMENTAL INTERPLEADER

INJUNCTION

MOTION TO MODIFY

SHOW CAUSE ORDER

TEMPORARY RESTRAINING ORDER

BILL OF DISCOVERY:

ORDER TO: _____
(specify)

MOTION TO: _____
(specify)

PROCESS TYPES:NON WRIT:

CITATION

ALIAS CITATION

PLURIES CITATION

SECRETARY OF STATE CITATION

COMMISSIONER OF INSURANCE

HIGHWAY COMMISSIONER

CITATION BY PUBLICATION

NOTICE

SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)

RULE 106 SERVICE

SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)

ATTACHMENT (WITNESS)

ATTACHMENT (PERSON)

CERTIORARI

EXECUTION

EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT

GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS

INJUNCTION

TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)

PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)

POSSESSION (PROPERTY)

SCIRE FACIAS

SEQUESTRATION

SUPERSEDEAS

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Maria Esparza on behalf of John Daspit
 Bar No. 24048906
 mesparza@daspitlaw.com
 Envelope ID: 77457973
 Filing Code Description: Petition
 Filing Description: Petition
 Status as of 7/12/2023 3:59 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
TK Stewart		tkstewart@daspitlaw.com	7/12/2023 3:28:51 PM	SENT
Maria Esparza		mesparza@daspitlaw.com	7/12/2023 3:28:51 PM	SENT
April Patterson		apatterson@proactivelegal.com	7/12/2023 3:28:51 PM	SENT
Jaime Holder		jholder@proactivelegal.com	7/12/2023 3:28:51 PM	SENT
John Daspit		e-service@daspitlaw.com	7/12/2023 3:28:51 PM	SENT
Eservice Daspit		dlfe-service@daspitlaw.com	7/12/2023 3:28:51 PM	SENT
DLF Intake		intake@daspitlaw.com	7/12/2023 3:28:51 PM	SENT

EXHIBIT A-3

SERVICE RETURN - CAUSE # 111617

**TODJO, JAYLEN
VS.
HAKIM, MANHAL
CHARTER LOGISTICS USA INC**

**IN THE 40TH JUDICIAL DISTRICT COURT
OF
ELLIS COUNTY, TEXAS**

NAME AND ADDRESS FOR SERVICE:

HAKIM, MANHAL
22030 RIVANNA DR.
MACOMB, MI 48044

Came to hand on the 20 day of July, 2023, at 5:00 o'clock P.m., and executed in Macomb County, Michigan by delivering to the within named defendants, in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION, at the following times and places, to-wit:

Name <u>MANHAL HAKIM</u>	Date/Time <u>8/1/23</u> <u>746</u> <u>PM</u>	Place, Course and Distance from Courthouse <u>22030 RIVANNA DR.</u> <u>MACOMB, MI 48044</u>
------------------------------------	--	--

And not executed as to the defendant(s), _____

The cause or failure to execute this process and the diligence used in finding said defendant(s) being:

and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ _____, Sheriff, Constable, or Court Clerk ONLY
Total \$ _____ (All others below)
_____, County, Texas
By: _____, Deputy
_____, Affiant

COMPLETE AND SIGN IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The return must either be verified or be signed under penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Jason Schmaus, my date of birth is 11-1972, and my address is
42815 Garfield #208 Clinton Twp MI 48038
(First, Middle, Last) (Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

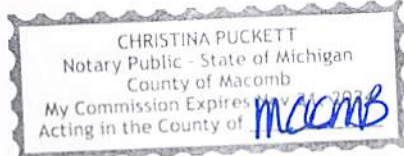
Executed in Macomb County, State of MI, on the 1 day of Aug
Jason Schmaus
Declarant/Authorized Process Server
Jason Schmaus - Court Officer
(Id # & expiration of certification)

RETURN TO:

Melanie Reed Ellis County District Clerk
109 S. Jackson Street Rm. 209
Waxahachie, TX 75165

STATE OF ~~TEXAS~~ Michigan
COUNTY OF ~~ELLIS~~ Macomb
SIGNED under oath before me on this 8 day of
August, 2023

Christina Puckett
Notary Public, State of Texas



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 78462888

Filing Code Description: No Fee Documents

Filing Description: Return of service

Status as of 8/11/2023 4:34 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@dasplitlaw.com	8/11/2023 4:19:02 PM	SENT
TK Stewart		tkstewart@dasplitlaw.com	8/11/2023 4:19:02 PM	SENT
John Dasplit		e-service@dasplitlaw.com	8/11/2023 4:19:02 PM	SENT
Eservice Dasplit		dlfe-service@dasplitlaw.com	8/11/2023 4:19:02 PM	SENT
April Patterson		apatterson@proactivelegal.com	8/11/2023 4:19:02 PM	SENT
Maria Esparza		mesparza@dasplitlaw.com	8/11/2023 4:19:02 PM	SENT
Jaime Holder		jholder@proactivelegal.com	8/11/2023 4:19:02 PM	ERROR

EXHIBIT A-4

SERVICE RETURN - CAUSE # 111617Melanie Reed
District Clerk
Ellis County, TexasTODJO, JAYLEN
VS.
HAKIM, MANHAL
CHARTER LOGISTICS USA INCIN THE 40TH JUDICIAL DISTRICT COURT
OF
ELLIS COUNTY, TEXAS

NAME AND ADDRESS FOR SERVICE:

CHARTER LOGISTICS USA INC
AGENT: LUN CHANG HUAI
2211 S. HACIENDA BLVD., STE 107
HACIENDA HEIGHTS, CA 91745Came to hand on the 20 day of July, 20 23, at 10:13, o'clock A.m., and executed in Los Angeles County, CA, by delivering to the within named defendants, in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION, at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
<u>Lun Chang Huai</u>	<u>7/22/23 1:45pm</u>	<u>1618 S Pybless Dr. Corona, CA 41 miles</u>

And not executed as to the defendant(s), _____

The cause or failure to execute this process and the diligence used in finding said defendant(s) being:

and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ 160⁰⁰
Total \$ 160⁰⁰_____, Sheriff, Constable, or Court Clerk ONLY
_____, County, Texas
By: _____, Deputy
_____, AffiantCOMPLETE AND SIGN IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The return must either be verified or be signed under penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Raul Madrid, my date of birth is 4-6-61, and my address is
703 Del Valle Ave La Puente, CA 91744
 (First, Middle, Last) (Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in Los Angeles County, State of CA, on the 17 day of August.

Declarant/Authorized Process Server

3905 4-24
(Id # & expiration of certification)

RETURN TO:

Melanie Reed Ellis County District Clerk
109 S. Jackson Street Rm. 209
Waxahachie, TX 75165STATE OF TEXAS §
COUNTY OF ELLIS §
SIGNED under oath before me on this _____ day of _____, 20____.see attached journal
Notary Public, State of Texas M.F.
8-17-23

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 17th
day of August, 2023, by Raul Madrid

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in blue ink, appearing to read 'Michelle Fife', written over a horizontal line.

THE STATE OF TEXAS
COUNTY OF ELLIS
CAUSE NO: 111617
CITATION

TO: CHARTER LOGISTICS USA INC
AGENT: LUN CHANG HUAI
2211 S. HACIENDA BLVD., STE 107
HACIENDA HEIGHTS, CA 91745

DEFENDANT, in the hereinafter styled and numbered cause: 111617

You are hereby commanded to appear before 40TH JUDICIAL DISTRICT COURT of ELLIS COUNTY, TEXAS to be held at the courthouse of said county in the City of Waxahachie, County of Ellis County, Texas, by filing a written answer to the petition of PLAINTIFF at or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in cause number **111617** styled

TODJO, JAYLEN
VS.
HAKIM, MANHAL
CHARTER LOGISTICS USA INC

Filed in said court on the 07/12/2023

The name and address of the attorney for PLAINTIFF, or the address of the PLAINTIFF is: TK C. STEWART, 600 N. PEARL ST, STE 2205, DALLAS, TX 75201.

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorneys do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of 20 days after you were served this citation and petition, a Default Judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [TEXASLAWHELP.ORG](https://www.texaslawhelp.org)."

WITNESS: Melanie Reed, District Clerk of the District Court of Ellis County, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT AT COUNTY OF ELLIS, TEXAS, ON THIS THE 14th day of July, 2023.

SEAL



Melanie Reed, District Clerk
109 S. Jackson Street Rm. 209
Waxahachie, TX 75165

By


Mary Hinds, Deputy

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 78768169

Filing Code Description: No Fee Documents

Filing Description: Return of Service

Status as of 8/22/2023 9:04 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@dasplitlaw.com	8/22/2023 8:48:44 AM	SENT
TK Stewart		tkstewart@dasplitlaw.com	8/22/2023 8:48:44 AM	SENT
John Dasplit		e-service@dasplitlaw.com	8/22/2023 8:48:44 AM	SENT
Eservice Dasplit		dlfe-service@dasplitlaw.com	8/22/2023 8:48:44 AM	SENT
Maria Esparza		mesparza@dasplitlaw.com	8/22/2023 8:48:44 AM	SENT
Jaime Holder		jholder@proactivelegal.com	8/22/2023 8:48:44 AM	ERROR

EXHIBIT A-5


JAYLEN TODJO,

Plaintiff,

V.

**CHARTER LOGISTICS USA, INC.,
MANHAL HAKIM,**

Defendants.



IN THE DISTRICT COURT

ELLIS COUNTY, TEXAS

40TH JUDICIAL DISTRICT

DEFENDANT MANHAL HAKIM'S ORIGINAL ANSWER

Defendant Manhal Hakim (“Defendant”), files his Original Answer and would respectfully show the Court as follows:

I. GENERAL DENIAL

1. Defendant denies each and every, all and singular, material allegations contained within Plaintiff's pleadings and any amendments or supplements thereto and demands strict proof thereof in accordance with the Texas Rules of Civil Procedure.

II. AFFIRMATIVE DEFENSES

2. Defendant pleads that, pursuant to Section 41.0105 of the Texas Civil Practice & Remedies Code, Defendant would show that the recovery of medical or healthcare expenses incurred is limited to the amount actually paid or incurred by or on behalf of Plaintiff. Furthermore, Defendant would show that at trial of the above-styled cause, Plaintiff may only offer and/or present evidence to the trier of fact related to the medical or healthcare expenses they actually paid or incurred, excluding any offsets or adjustments allowed by their medical or healthcare providers. *See Haygood v. De Escabedo*, 356 S.W.3d 390 (Tex. 2011).

3. For further answer, if the same be necessary, Defendant intends to invoke the provisions of Chapter 32 and 33 of the Texas Civil Practice & Remedies Code relating to contribution and proportionate responsibility. Defendant asks the Court or jury to compare the relative percentages of fault of the Plaintiff, other Defendants named herein, any negligent third party or parties and/or any other responsible third party or parties, whether party to this suit or otherwise, with that of this Defendant, if any, pursuant to the doctrine of proportionate responsibility as set forth in section §33.001 et seq, of Texas Civil Practice & Remedies Code Chapter. Accordingly, Plaintiff should not be allowed to recover if the jury finds that his/her conduct was 51% or more the proximate cause of the accident. If Plaintiff is apportioned fault of 50% or less, her recovery should be reduced by the percentage of fault apportioned to her by the jury. Further, to the extent that any such party has settled or may in the future settle with the Plaintiff, this Defendant is entitled to and seeks the appropriate credit or reduction of any judgment against it, however unlikely.

4. By way of affirmative defense, Plaintiff's claims, if any, for exemplary, punitive or other damages are barred, limited, restricted, and/or governed by the provisions of the Texas Civil Practice & Remedies Code Chapter 41, and any other applicable statute concerning the recovery of damages and the common law of Texas. Accordingly, Defendant specifically pleads the limitations, restrictions and/or bar on the recovery by Plaintiff of such damages in accordance with Chapter 41 and other applicable law.

5. Defendant further pleads that any damages sought to be recovered by Plaintiff should be reduced to the extent that Plaintiff has failed to take reasonable steps that a person of ordinary prudence in a similar situation would have taken to avoid or mitigate the claimed damages.

6. Defendant further pleads the defense set forth in Texas Civil Practice and

Remedies Code Section 18.091, requiring Plaintiff to prove loss of earnings and/or loss of earning capacity in the form which represents his/her losses after the reduction for income tax payments or unpaid tax liability on said loss of earnings claim pursuant to any deferral income tax law. Tex. Civ. Prac. & Rem. Code Section 18.091. Additionally, Defendant requests the Court instruct the jury as to whether any recovery for compensatory damages sought by the Plaintiff, if any, is subject to federal or state income taxes.

7. Defendant specially excepts to the allegations contained in *Paragraph 4* of the Plaintiff's Original Petition. It states in full part: "Plaintiff, Tiffany Medina, is an individual residing in Collin County, Texas." Despite Plaintiff's identification in this section of his/her own petition, titled "Parties", the style of the case is brought in the name of Plaintiff Jaylen Todjo. As such, Plaintiff does not provide the sufficient factual or legal basis for any of the contentions made in his/her Original Petition. Further, Defendant has not been provided adequate notice of the factual or legal theories supporting Plaintiff's claims, if any. Plaintiff should be required to replead with specificity to the factual details and legal theories supporting his/her claims, in any.

8. Defendant specially excepts to the allegations contained in *Paragraph 8* of Plaintiff's Original Petition. It states in part: "Defendant Hakim's aforementioned conduct constitutes negligence and/or negligence per se for one or more of the following reasons: (a) Failed to control the vehicle's speed; (b) Failed to timely apply brakes; (c) Failed to yield the right-of-way; (e) Failed to turn the vehicle in an effort to avoid a collision; (f) Failed to maintain a proper lookout in order to avoid a collision; *(and)* (g) failed to maintain a safe distance." Plaintiff does not provide a factual or legal basis for his/her contentions that Defendant acted in any of the above ways. Further, Defendant has not been provided adequate notice of the factual basis or legal theories supporting Plaintiff's claims, if any. Plaintiff should be required to replead with specificity to the factual details and legal theories supporting his/her claims, in any.

III.
JURY DEMAND

8. In accordance with Rule 216 of the Texas Rules of Civil Procedure, Defendant demands a trial by jury.

IV.
RULE 193.7 NOTICE

9. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Defendant hereby gives actual notice to Plaintiff that any and all documents produced by Plaintiff may be used against Plaintiff at any pretrial proceeding or at the trial of this matter without the necessity of authenticating the documents.

PRAYER

Defendant Manhal Hakim prays that Plaintiff take nothing by this lawsuit, that Defendant go hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show to be justly entitled.

Respectfully submitted,

MAYER LLP

750 N. Saint Paul Street, Suite 700
Dallas, Texas 75201
214-379-6900 / Fax 214-379-6939

By: /s/ Zach Mayer

Zach Mayer
State Bar No. 24013118
zmayer@mayerllp.com
Van E. "Trey" Parham III
State Bar No. 24103008
tparham@mayerllp.com
Nader Arbabi
State Bar No. 24109594
narbabi@mayerllp.com

**ATTORNEYS FOR DEFENDANT
MANHAL HAKIM**

CERTIFICATE OF SERVICE

This is to certify that on the 28st day of August 2023, a true and correct copy of the foregoing has been forwarded to all counsel of record as follows:

Via E-Service

TK C. Stewart
600 N. Pearl Street, Suite 2205
Dallas, Texas 75201
e-service@daspitlaw.com

Attorneys for Plaintiff

/s/ Zach Mayer
Zach Mayer

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Tia Harris on behalf of Zachary Thomas Mayer

Bar No. 24013118

tharris@mayerllp.com

Envelope ID: 78988452

Filing Code Description: Answer/Response

Filing Description: DEFENDANT MANHAL HAKIMS ORIGINAL ANSWER

Status as of 8/28/2023 3:49 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@dasplitlaw.com	8/28/2023 3:42:24 PM	SENT
TK Stewart		tkstewart@dasplitlaw.com	8/28/2023 3:42:24 PM	SENT
John Dasplit		e-service@dasplitlaw.com	8/28/2023 3:42:24 PM	SENT
Eservice Dasplit		dlfe-service@dasplitlaw.com	8/28/2023 3:42:24 PM	SENT
April Patterson		apatterson@proactivelegal.com	8/28/2023 3:42:24 PM	SENT
Maria Esparza		mesparza@dasplitlaw.com	8/28/2023 3:42:24 PM	SENT
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Jaime Holder		jholder@proactivelegal.com	8/28/2023 3:42:24 PM	ERROR
Misty Riggins		mriggins@mayerllp.com	8/28/2023 3:42:24 PM	SENT

CAUSE NO. 111617**JAYLEN TODJO***Plaintiff,*

v.

**CHARTER LOGISTICS USA,
INC., MANHAL HAKIM,***Defendants.*§
§
§
§
§
§
§
§
§**IN THE DISTRICT COURT OF****ELLIS COUNTY, TEXAS****40TH JUDICIAL DISTRICT**

PLAINTIFF JAYLEN TODJO INITIAL DISCLOSURES

TO: Defendant, CHARTER LOGISTICS USA, INC. MANHAL HAKIM, by and through his counsel of record, Zach Mayer, **Mayer LLP.**, 750 N. Saint Paul Street, Suite 700, Dallas, Texas, 75201.

COMES Jaylen Todjo Plaintiff in the above entitled and numbered cause, and, in accordance with the Texas Rules of Civil Procedure, serves the following Required Initial Disclosures.

Respectfully submitted,

DASPIT LAW FIRM/s/ TK C. Stewart**TK C. Stewart**

Texas State Bar No. 24128841

600 N. Pearl St, Suite 2205

Dallas, Texas 75201

Telephone: (713) 322-4878

Facsimile: (713) 587-9086

Email: e-service@daspitlaw.com**ATTORNEY FOR PLAINTIFF**

CERTIFICATE OF SERVICE

I, TK C. Stewart hereby certify that a true and correct copy of the foregoing instrument was served on all counsel of records in compliance with Rules 21 and 21a of the Texas Rules of Civil Procedure on the 29th day of August, 2023.

Mayer LLP

Zach Mayer

zmayer@mayerllp.com

Nader Arbabi

narbabi@mayerllp.com

Van E. “Trey” Parham III

tparham@mayerllp.com

750 N. Saint Paul Street, Suite 700

Dallas, Texas 75201

Telephone: 214.379.6900

Facsimile: 214.379.9636

**ATTORNEYS FOR DEFENDANT
MANHAL HAKIM**

/s/ TK C. Stewart

TK C. Stewart

PLAINTIFF'S INITIAL DISCLOSURES

- (1) The correct names of the parties to the lawsuit;

RESPONSE:

Plaintiff: JAYLEN TODJO

Defendant: CHARTER LOGISTICS USA, INC., MANHAL HAKIM

- (2) The name, address, and telephone number of any potential parties;

RESPONSE:

Plaintiff is not aware of any potential parties at this time. Plaintiff reserves the right to supplement.

- (3) The legal theories and, in general, the factual basis of all the responding party's claims or defenses;

RESPONSE:

This lawsuit is necessary as a result of the personal injuries that Plaintiff suffered on or about April 21, 2023. At that time, Plaintiff was traveling northbound by car on IH 35 at approximately the 382 mile marker when one of the inside tires from the 18 wheeler driven by Defendant Hakim, and owned and operated by Defendant Charter Logistics USA, blew out causing the tire to come apart, fly off, and hit the front bumper of Plaintiff's car. Defendant Hakim failed to operate the vehicle safely, causing Plaintiff's vehicle to be deemed inoperable as a result of the damages by reporting officers at the scene. As a result of Defendants' negligence and/or negligence *per se*, Plaintiff suffered extensive and permanent injuries. Defendant's aforementioned conduct constitutes negligence and/or negligence *per se* for one or more of the following reasons;

- a. Failed to control vehicle's speed;**
- b. Failed to yield right-of-way;**
- c. Failed to operate the vehicle safely;**
- d. Failed to keep a proper lookout in order to avoid a collision;**

- e. Failed to timely apply brakes;
- f. Failed to maintain a safe distance;
- g. Failure to turn vehicle in an effort to avoid a collision;
- h. Violated applicable local, state, and federal laws and/or regulations; and/or
- i. Other acts so deemed negligent.

Defendant Hakim was driving a tractor-trailer owned and operated by Defendant Charter Logistics USA. At the time material hereto, Defendant Hakim was operating the tractor-trailer while in the course and scope of his employment with Defendant Charter Logistics USA. As such, Defendant Charter Logistics USA is vicariously liable for Defendant Hakim's negligence acts and omissions under the doctrine of *respondeat superior*. Plaintiff further pleads that Defendant Charter Logistics USA was negligent and/or negligent per se for one or more of the following reasons:

- a. Negligently entrusted motor vehicle to an incompetent driver;
- b. Negligently hired and/or retained employees;
- c. Negligently trained and/or supervised employees;
- d. Failed to maintain the vehicle in a reasonable safe condition;
- e. Violated applicable local, state and federal laws and/or regulations; and/or
- f. Other acts so deemed negligent.

As a result of these acts or omissions, Plaintiff sustained damages recognizable by law.

Damages

By virtue of the actions and conduct of the Defendant set forth above, Plaintiffs are seriously injured and are entitled to recover the following damages:

- a. Past and future medical expenses;
- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement;
- e. Past lost wages and future loss of earning capacity; and
- f. Loss of use of vehicle.

By reason of the above, Plaintiffs are entitled to recover damages from the Defendant in an amount within the jurisdictional limits of this Court, as well as pre-and post-judgment interest.

(4) The amount and any method of calculating economic damages;

RESPONSE:

Plaintiff's damages will be calculated by totaling his past and future medical expenses incurred as a result of the incident made the basis of this suit. Plaintiff's past medical expenses will be supplemented when additional expenses are received. Plaintiff's physicians will offer opinions regarding the cost of Plaintiff's future medical care. All other areas of damages will be determined by the trier of the fact.

The method of calculating past medical bills will be by simple addition. Following hereto is a list of Plaintiff's medical providers and total medical bills to date:

Medical Providers	Total
Memorial MRI	\$8,531.00
Greater Texas Orthopedic Associates	\$1,353.00
TOTAL	\$9,884.00

Plaintiff has incurred and will continue to incur significant medical bills for treatment of medical issues directly related to the subject incident. Plaintiff will supplement this request as discovery is still ongoing.

Plaintiff will calculate lost wages and/or income by multiplying the numbers of hours and/or days missed from work by the corresponding hourly pay and multiply the diminution in value earnings, if any, by Plaintiff's reasonable work life expectancy and a reasonable rate of inflation.

(5) The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;

RESPONSE:

Plaintiff

JAYLEN TODJO

c/o TK C. Stewart

Daspit Law Firm

600 North Pearl Street #2205

Dallas, Texas 75201

Tel: 469.206.8210

Fax: 713.587.9086

Defendant

MANHAL HAKIM

c/o Zach Mayer

Mayer LLP

750 N. Saint Paul Street #700

Dallas, Texas 75201

Tel: 214.379.6900

Fax: 214.379.6939

Defendant

CHARTER LOGISTICS USA, INC.

2211 S. Hacienda Blvd. #107

Hacienda Heights, CA 91745

Additionally, all names listed in Defendant's Response to Plaintiff's Requests for Disclosure. The following are non-retained medical providers who have provided care and treatment to Plaintiff:

Memorial MRI & Diagnostic, LLC

Lorenzo Farolan, MD., Various Physicians, Nurse, Staff, and/or custodians of medical records

9434 Katy FWY, Suite 408

Houston, Texas 77055

(214) 431-8770

Plaintiff's Medical Provider

Greater Texas Orthopedic Associates, PLLC

Richard Weiner, MD., Various Physicians, Nurse, Staff, and/or custodians of medical records

10830 N Central Expy, Ste 300

Dallas, Texas 75231

(409) 600-8693

Plaintiff's Medical Provider

- (6) A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the responding party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

RESPONSE:

Please see attached documents.

- (7) Any indemnity and insuring agreements described in TRCP 192.3(f);

RESPONSE:

None in Plaintiff's possession, custody, or control. Plaintiff reserves the right to supplement.

- (8) Any settlement agreements described in TRCP 192.3(g);

RESPONSE:

None in Plaintiff's possession, custody, or control. Plaintiff reserves the right to supplement.

- (9) Any witness statements described in TRCP 192.3(h);

RESPONSE:

Plaintiff is unaware of any of this time. Plaintiff reserves the right to supplement.

- (10) In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

RESPONSE:

Please see attached Medical Records. Plaintiff will continue to supplement as additional records are received.

- (11) In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party; and

RESPONSE:

See attached. Plaintiff will continue to supplement as additional documents are received.

- (12) The name, address, and telephone number of any person designated as a responsible third party.

RESPONSE:

Plaintiff is not aware of any responsible third parties at this time. Plaintiff reserves the right to supplement.

EXHIBIT A-7

Case Information

TODJO, JAYLEN VS. HAKIM, MANHAL,CHARTER LOGISTICS USA INC

111617

Location	Case Category	Case Type
Ellis County - District Clerk	Civil - Injury or Damage	Motor Vehicle Accident

Parties3

Type	Name	Nickname/Alias	Attorneys
Plaintiff	TODJO, JAYLEN		STEWART, TK C.
Defendant	CHARTER LOGISTICS USA INC		
Defendant	HAKIM, MANHAL		MAYER, ZACH T.

Events7

Date	Event	Type	Comments	Documents
7/12/2023	Filing	Petition	Petition	Todjo Jaylen 13833 MVA 18-Wheeler POP.pdf
7/12/2023	Filing	Petition	CPR	23.07.12 Todjo Jaylen [13833] - CPR.pdf
7/14/2023	Filing	E-filed Attorney	RTN CITS TO ATTY FOR SERVICE	
8/11/2023	Filing	No Fee Documents	Return of service	15029-1 proof.pdf
8/22/2023	Filing	No Fee Documents	Return of Service	15029-2 proof.pdf
8/28/2023	Filing	Answer/Response	DEFENDANT MANHAL HAKIMS ORIGINAL ANSWER	Todjo - M. Hakim's Original Answer.pdf
8/29/2023	Filing	No Fee Documents	Initial Disclosure	[13833] Initial Disclosure.pdf

